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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,819	07/18/2003	Vicraj T. Thomas	H0005753	3027

7590 08/10/2005

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EXAMINER	
LU, TONY W	

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,819	THOMAS ET AL.	
	Examiner	Art Unit	
	Tony Lu	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) 7-21 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-6 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 07/18/2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, drawn to SYSTEM FOR DETECTING INCOMING LIGHT FROM A LASER SOURCE, classified in class 250, subclass 216.

II. Claims 7-18, drawn to A METHOD FOR DETECTING A SOURCE OF AN INCOMING LASER, classified in class 250, subclass 221.

III. Claims 19-21, drawn to METHOD FOR RECIPROCAL TARGETING OF A SOURCE OF AN INCOMING LASER, classified in class 250, subclass 221.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case Invention I can be used with any other laser detecting method.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II does not require the

step "translating each of the plurality of microlenses to a plurality of lens positions" in Invention III. The subcombination has separate utility such as Invention III does not require the step "determining a wavelength of the incoming laser" in Invention II. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant's election with traverse of restriction regards to Invention I and II in the reply filed on 7/14/2005 is acknowledged. The traversal is on the ground(s) that the concurrent examination would be unburdensome and lack of examples to show the distinctiveness between Invention I and II. This is not found persuasive because the requirements in each of the inventions I, II and III are separated and distinct from each other. The invention Group I can be used by any other laser detecting method which excludes the method step of "determining the wavelength of the incoming laser". The requirement of a method step "translating each of the microlenses of the invention Groupe III is not required in the invention of Group I and II. Therefore Invention I can be operated with any other method.

The requirement is still deemed proper and is therefore made FINAL.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Bringans et al US2004/0208596A1.

With respect to claim 1 and 2, Bringans et al disclose a light detecting system comprising: a first array having a plurality of microlenses(170) positionable using actuators(177-1D, comb drive); a second array having a plurality of opto devices(180) associated with the plurality of positionable microlenses, wherein the plurality of opto devices includes at least one light detector; and at least one processor(110) in communication with at least one of the actuators and with at least one of the opto devices([0025]-[0031]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bringans et al US2004/0208596A1 in view of Lee et al US 6660988B2.

With respect to claim 3, per the above discussion, Bringans et al disclose the plurality of opto devices includes a plurality of photodetectors and a plurality of semiconductor laser(VCSEL emitter, read [0028]-[0032]), but fail to disclose the photodetectors are photodiode.

Lee et al disclose a light detecting system having photodiodes for detecting light.

Although Bringans et al lack a clear teaching of using photodiodes as the photodetectors, selecting a specific type of photodetectors would have been obvious to one of ordinary skill in the optic art in order to provide a long lasting life for the photodetectors.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bringans et al by using the photodiodes taught by Lee et al in order to provide a more long lasting life of the performance of the photodetectors.

With respect to claims 4-6, per the above discussion, Bringans et al and Lee et al fail to specify a ratio of photodiodes to semiconductor lasers is approximately 4 to 1, selecting a specific ratio of photodetectors and light sources would have been a mere matter of obvious design choice to one of ordinary skill in the optic art in order to provide a desired arrangement of the components of the system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the proposed system of Bringans et al and Lee et al accordingly in order to provide a compact design for the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Lu whose telephone number is 5712728448. The examiner can normally be reached on M-F 9:00am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davide Porta can be reached on 5712722444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

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